



POLSINELLI MEMO ENDORSE

600 Third Avenue, 42nd Floor, New York, NY, 10016 • (212) 684-0199

February 16, 2023

Via ECF Filing

Frank T. Spano
(212) 413-2848
FSpano@Polsinelli.com

Hon. Kenneth M. Karas
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
Courtroom 521
300 Quarropas St.
White Plains, NY 10601

Re: *ProImmune v. Three Aminos, et al., Case No. 7:22-cv-08229-KMK,*
ProImmune v. Three Aminos, et al., Case No. 7:22-cv-08227-KMK
ProImmune v. Three Aminos, et al., Case No. 7:22-cv-07242-KMK

Dear Judge Karas:

Pursuant to Section II.A of Your Honor's Individual Rules, we write on behalf of Defendants Three Aminos and Laura Lile, M.D., with the consent of counsel for Plaintiffs and Counterclaim Defendants, to jointly request adjournment of the current February 17, 2023, deadline for submission of the parties' proposed case management and scheduling order pursuant to Fed. R. Civ. P. 26(f) pertaining to these matters.

This letter is the parties' second request for additional time to file their Rule 26(f) report. On January 5, 2023, at the parties' request, the Court extended the deadline to February 17, 2023 (7:22-cv-08229, ECF No. 33; 7:22-cv-08227, ECF No. 45; 7:22-cv-072242, ECF No. 43).

The reason for this request is to allow the parties to continue settlement discussions, which they view as productive. The parties initially conducted a mediation on November 1, 2022, with Simeon Baum as mediator. Although the matter did not resolve at mediation, discussions have continued and the party principals conducted a party only session with Mr. Baum on December 16, 2022, via Zoom. The parties conducted another mediation session on January 16, 2023, where the principals participated in-person with Mr. Baum and the attorneys participated remotely via Zoom. The parties have continued to engage in repeated discussions with the assistance of Mr. Baum since January 16 and anticipate that within the next 30 days the matter will either settle or proceed forward.

The parties acknowledge that the Court's rules require adjournment requests at least five days in advance of the deadline and apologize to the Court for this late request. Nevertheless,

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because the parties are making headway through these productive meetings, the parties hope the Court will consider their request, and continue the deadline for filing of their Rule 26(f) report for at least another 30 days to allow the parties to continue focusing on their settlement efforts.

Respectfully submitted,

Frank Spano |s|

Frank Spano

Cc: All counsel via ECF

Granted.

So Ordered.

A handwritten signature in black ink, appearing to read 'M. J. McKeown', written over a horizontal line.

2/16/23